

GOVERNMENT OF TELANGANA
A B S T R A C T

Endowments Department – Bhagyanagar Bhavsar Kshatriya Charitable Trust, Sultan Bazar, Hyderabad – Exemption from Section 15 and 29 of the Act 30/87 - Orders – Issued.

REVENUE (ENDOWMENTS.II) DEPARTMENT

G.O.Rt.No. 465

Dated: 11-07-2017.
Read the following:-

1. G.O Ms.No.199 Rev (Endt.II) Dept Dt:03.11.2015
2. From the Commissioner Endowments Department, Lr.No.B1/2328/2016 Dt:13.03.2017 & 17.04.2017
3. From the High Court of Judicature at Hyderabad W.P No.36682 of 2015, Dt:27.04.2016.

O R D E R:-

In the reference 1st read above, orders have been issued granting exemption to Bhagyanagar Bhavsar Kshatriya Charitable Trust, Sultan Bazar, Hyderabad from the operation of the provisions under sections 15 and 29 of the Act 30/87 for a period of five (5) years.

2. The High Court of Judicature at Hyderabad, vide order 3rd read above, disposed of W.P No.36682 of 2015 filed by Telangana Bhavsar Kshatriya Sabha represented by its President, Sri Arjun Kumar Gite as below:

When the matter is taken up for hearing, learned counsel appearing for the respondents 5 to 7 submits that as one of the principle allegations of the petitioner that they were not being given any opportunity of hearing before making the order, which is not being denied by them, he submits that the impugned G.O may be set aside directing the Government to pass appropriate orders after taking into consideration of the objections, if any, by the writ petitioner. He would also submit that opportunity of hearing may also be given to the respondents 5 to 7 to justify the reasons for granting exemption from the purview of the Act.

In the circumstances, having considered the rival submissions and considering the fact no opportunity of hearing was given to the petitioner, writ petition is allowed by setting aside the G.O Ms.No.199 Dt:03.11.2015, leaving it open to both the parties to approach the government for passing appropriate orders.

Accordingly, the writ petition is allowed. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

3. Accordingly, the matter was heard on 29-05-2017 and both the parties were present and submitted their oral arguments, which was followed by submission of written arguments.

4. Government after careful examination of the matter, observe that Bhagyanagar Bhavsar Kshatriya Charitable Trust is published under section 6(c) (1) and registered under Section 43 of the Telangana Endowments and Charitable Act, 1987. The trustees requested the Government for exemption under sections 15 and 29 of the said Act and accordingly an order was issued vide G.O.Ms.No.199, dt.03.11.2015.

5. The Telangana Bhavsar Kshatriya Sabha raised certain objections before Hon'ble High Court in respect of exemption under section 15 and 29 to the said trust. Further, the Hon'ble High Court set aside the G.O and issued directions to the parties to approach the Government for passing appropriate orders.

6. Sri Arjun Kumar Gite, authorized person on behalf of the Telangana Bhavsar Kshatriya Sahba, contended that the application for exemption is liable to be rejected on certain grounds, namely, title dispute in respect of subject property, non-maintenance of accounts, structural changes to the trust property against the purpose of the trust, misappropriate and irregular maintenance of accounts. However, on careful examination, Government observe that these grounds are not in any way substantiated.

7. As seen from the Audit report for the period 2009-10 to 2013-14, the District Audit Officer concluded that the result of the audit may be considered as satisfactory. Thus, the request of the Bhagyanagar Bhavsar Kshatriya Charitable Trust for granting exemption under Section 15 and 29 is tenable. As per Section 154 of Telangana State Charitable and Hindu Religious Institutions & Endowments Act, 1987 the Government have the power to exempt any institution or Endowment from the operation of any of the provisions of the Act.

8. Accordingly, Government, after careful examination of the matter, have decided to exempt Sri Bhagyanagar Bhavsar Kshatriya Charitable trust from operation of Section 15 and 29 of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987, for a period of five (05) years subject to the final orders in OA Nos. 1026/2017 and 403/2015 pending before the Hon'ble Endowments Tribunal.

9. The Commissioner, Endowments Department, Hyderabad shall take necessary action in the matter accordingly.

The following notification shall be published in the Telangana Gazette.

NOTIFICATION

In exercise of powers conferred by Section 154 of Telangana State Charitable and Hindu Religious Institutions & Endowments Act, 1987 (Telangana Adaptation Order) 2014, Government of Telangana hereby exempts Bhagyanagar Bhavsar Kshatriya Charitable Trust, Sultan Bazar, Hyderabad from the operation of sections 15 and 29 of the Act 30/87 for a further period of five (05) years.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

N.SIVA SANKAR
SECRETARY TO GOVERNMENT

To

The Commissioner, Printing and Stationery, Hyderabad (for publication in the Telangana Gazette)

The Commissioner of Endowments, Telangana Hyderabad.

Copy to

The Assistant Commissioner, Endowments Hyderabad.

The P.S to Minister (Endt).

The Bhagyanagar Bhavsar Kshatriya Charitable Trust,
Sultan Bazar, Hyderabad. (G.O.Ms.No.199, dt.03.11.2015)

SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER